

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

CHESTNUT STREET CONSOLIDATED, LLC,	:	CIVIL ACTION
	:	
	:	
Plaintiff,	:	NO. 21-3046
	:	
v.	:	
	:	
BAHAA DAWARA,	:	
	:	
IMAD DAWARA,	:	
	:	
FATAN DAWARA	:	
a/k/a FATEN DAWARA	:	
	:	
MAISAA DAWARA,	:	
	:	
MIRVAT DAWARA,	:	
	:	
ABEER NAIM,	:	
	:	
HITHAM ALBAROUKI	:	
a/k/a HAITHAM ALBAROUKI,	:	
	:	
Defendants.	:	
	:	

ORDER

Upon consideration of the Motion of Plaintiff, Chestnut Street Consolidated, LLC (“CSC” or “Plaintiff”), to enforce the Court’s order of August 3, 2022 and to find Fraudulent Transferee Defendants in contempt, and consideration of the Defendants’ Motion to Stay Execution of the Judgment Pending Appeal, the Court finds that CSC has established with clear and convincing evidence that:

1. On August 3, 2022, the Court entered a judgment (“Order”) in accordance with the Court’s Order and accompanying Memorandum, among other things, directing Fraudulent Transferee Defendants to execute by August 31, 2022, the following quitclaim deeds:

Bahaa Dawara and Faten Dawara (a/k/a Fatan Dawara) shall execute a quitclaim deed to return title to the property at 19 Ridgeway Avenue, Norwood, PA 19074 to Bahaa Dawara;

Imad Dawara and Maisaa Dawara shall execute a quitclaim deed to return title to the property at 305 Seminole Street, Essington, PA 19029 to Imad Dawara; and

Imad Dawara and Mirvat Dawara shall execute a quitclaim deed to return title to the property at 407 Seminole Street Essington, PA 19029 to Imad Dawara. (ECF-138, para 4, p. 2).

2. The defendants had adequate notice of the Order and an opportunity to comply.

3. On August 17, 2022, counsel for CSC provided counsel for defendants with three deeds drafted to undo the avoided transfers as set forth in the Order. Counsel for defendants was requested to provide his clients’ notarized signatures not later than August 31, 2022.

4. Despite notice and an opportunity to comply, Defendants have ignored the Court’s Order.

5. The Order created, in a clear and unambiguous way, obligations of Bahaa Dawara and Faten Dawara (a/k/a Fatan Dawara), Imad Dawara and Maisaa Dawara and Mirvat Dawara (“Contemnors”) to execute quitclaim deeds to return title to the three properties identified above.

6. Contemnors failed to comply with these obligations imposed by the Order.

7. The Order clearly and unambiguously required the Contemnors to transfer the three properties. Contemnors had adequate notice that they are within the order’s ambit. They violated a clear and unambiguous Order that left no reasonable doubt as to what behavior was expected, who was expected to behave and by when in the indicated fashion. The Order also clearly and

directly identified which of the Contemnors were so obligated to do what. There can be no reasonable doubt.

8. On October 24, 2022, Fraudulent Transferee Defendants, more than 82 days after the Order, filed a motion seeking a stay of a Court ordered deadline that expired 55 days ago.

9. Fraudulent Transferee Defendants fail to meet their burden as to each of the four factors that this Court must consider in determining whether to grant a stay: (1) their appeals have little chance of success on the merits; (2) they have not shown irreparable harm absent a stay; (3) a stay would substantially injure the other parties interested in the proceeding; and (4) the public interest weighs heavily against a stay;

According the Court orders as follows:

The motion of CSC is GRANTED.

The motion of Fraudulent Transferee Defendants is DENIED.

The Contemnors are deemed to be in CONTEMPT of this court.

Judgment is hereby entered divesting defendants' title and vesting title in 19 Ridgeway Avenue, Norwood, PA 19074, 305 Seminole Street, Essington, PA 19029, and 407 Seminole Street Essington, PA 19029 in CSC subject to existing liens.

The Delaware County Recorder's Office is directed to record this order in the title of these three properties and modify its records to reflect that:

- (1) Bahaa Dawara and Faten Dawara (a/k/a Fatan Dawara) are deemed to have transferred title to the property at 19 Ridgeway Avenue, Norwood, PA 19074 to Chestnut Street Consolidated, LLC;
- (2) Imad Dawara and Maisaa Dawara are deemed to have transferred title to the property at 305 Seminole Street, Essington, PA 19029 to Chestnut Street Consolidated, LLC; and

(3) Imad Dawara and Mirvat Dawara are deemed to have transferred title to the property at 407 Seminole Street Essington, PA 19029 to Chestnut Street Consolidated, LLC.

IT IS SO ORDERED.

EDUARDO C. ROBRENO, J.